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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,911	06/19/2000	JAN ERIKSSON	49549-60259	4412

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EXAMINER

VALENTI, ANDREA M

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/581,911	Applicant(s) ERIKSSON, JAN	
	Examiner Andrea M. Valenti	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-15, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,508,058 to Jakobson et al in view of U.S. Patent No. 4,613,939 to Paine.

Regarding Claims 1-4, 8-15, 19, 20, Jakobson teaches an animal related apparatus, comprising a robot (Jakobson #8) for performing an animal related operation (Jakobson abstract first line, milking cows), the robot being associated with a control means (Jakobson Col. 6 line 26-30 and #5), and at least one animal related device (Jakobson #6) associated with the control means, the robot being provided with a robot arm (Jakobson #15) adapted to move the animal related device towards an animal. Jakobson teaches the animal related device is a teat location device (Jakobson #14); a teat cleaning device (Jakobson Fig. 6 #18) the apparatus further comprises a gate means (Jakobson #4) for restricting movement of an animal from an animal space; the gate means being opened and closed by means of driving means.

Jakobson teaches machinery components of a milking apparatus i.e. robot, robot arm, animal related device, animal related operation, teat location device, driven gate, robot drive means, and teat cleaning; but, is silent on a registering means provided for

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registering a cumulative running value, the control means generating a signal when a predetermined threshold value has been reached; and the predetermined threshold value is set for each of the devices. However, Paine teaches establishing a predetermined threshold value for machinery components, registering the cumulative running value, and signaling when the threshold is reached (Paine abstract; Col. 1 line 7-11, line 23-29, line 50-53; and Col. 2 line 55-60). It would have been obvious to one of ordinary skill in the art to modify the teachings of Jakobson with the teachings of Paine at the time of the invention for the advantage of predicting failures so that servicing can be scheduled during periods in which productivity will be less affected and for preventing catastrophic failures as taught. In other words, one of ordinary skill in the art would be motivated to modify the teachings of Jakobson with the teachings of Paine since Jakobson teaches a system composed of a plurality of mechanical devices that inherently require maintenance and Paine teaches a means for providing a service reminder for mechanical devices for the advantage of providing preventative maintenance measures to reduce unscheduled down time of the equipment. It is merely an engineering design choice to select which mechanical device should be monitored, one of ordinary skill may selected the device that is used the most or the device that is the most expensive to replace, etc.

Claims 5-7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,508,058 to Jakobson et al in view of U.S. Patent No. 4,613,939

to Paine as applied to claim 1 and 12 above, and further in view of WO 96/36212 to Innings et al.

Regarding Claim 5, Jakobson as modified teaches that the animal related device has milking equipment with a teat-cup (Jakobson Fig. 6) and that the control means being adapted to register the cumulative running value of the components of the apparatus, but is silent on how the teat-cup operates. However, Innings teaches a teat-cup provided with a shell and a liner forming an intermediate space (Innings #6), the space being connectable to a source of vacuum (Innings #13) via a pulsator (Innings #17) being associated with the control means (Innings #20).

It would have been obvious to further modify the teachings of Jakobson as modified by Paine with the teachings of Innings at the time of the invention since it is old and notoriously well-known in the art of animal husbandry to have a lined pulsating teat-cup with a vacuum in an automated milking configuration and the teachings of Innings is merely an alternate equivalent teat-cup configuration selected for efficient automated milking procedures. Furthermore, it would have been obvious to one of ordinary skill in the art to monitor the pulsator since this is merely an additional mechanical device that requires routine maintenance.

Regarding Claim 18, Jakobson as modified teaches a running value and a pulsator, but is silent on the running value being the number of pulsations generated by the pulsator. However, it would have been obvious to one of ordinary skill in the art to further modify the teachings of Jakobson at the time of the invention since the modification is merely an engineering design choice involving the selection of an

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alternate equivalent interval indicator based on a manufactures suggested maintenance schedule.

***Response to Arguments***


Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

08 December 2005